

What you can do if you disagree with decisions

SEN Support in Schools

If you are not satisfied with either a local authority's decision not to assess your child for an EHCP, OR not to provide an EHCP after a statutory assessment, you can appeal to the SEND Tribunal.

Appealing to Tribunal can be done in the name of the parent or the child/ young person.

Additionally, if you are not satisfied with any of the needs or provision or placement offered in a new EHCP, you can also appeal (but only to SEND Tribunal for the education part).

Despite the health provision being a legal duty, there is, at present, no single pathway to the appeal process. Changes to this have been trialled and may be introduced (2017 earliest). Please check at time of appeal if this has yet taken place. At present: For both health provision and social care complaints about provision in an EHCP, you must use the relevant complaints process for that provider. If you are still not satisfied, you can contact the health or social care ombudsman

Remember that at any point, if you can't agree on any aspect of the plan, you can ask to take part in disagreement resolution. This is in ADDITION to any mediation or appeal

To appeal, you have two months after the local authority's decision. You can register an appeal when you have a certificate from the mediator. If you choose to go to mediation & it fails, you will have a minimum of a month after that to register an appeal.

Before appealing about

1. Refusal to assess,
2. Refusal to issue an EHCP, OR
3. The SEN part of an EHC plan

you **must** first contact a mediation advisor. The LA must inform you about how to do this*. The mediator will give you evidence that you have done so. You will be encouraged to participate in mediation, however, this is not compulsory if you feel that mediation will not work. If at all possible, keep the lines of communication open - you can still reach an agreement that works for your family at any time up to the date of Tribunal.

* If your appeal is only about placement aspects, you do not have to seek mediation first

All decisions where there is no appeal right to the Tribunal can be challenged via Judicial Review. Families will need legal advice in relation to Judicial Review and legal aid may be available to pay for this.

If you do decide to head for the SEND Tribunal, there are free sources of legal advice to help such as:

- IPSEA WWW.IPSEA.ORG.UK
- SOSSEN: WWW.SOSSEN.ORG.UK
- Contact A Family SEN line <http://bit.ly/CAF-SEND>

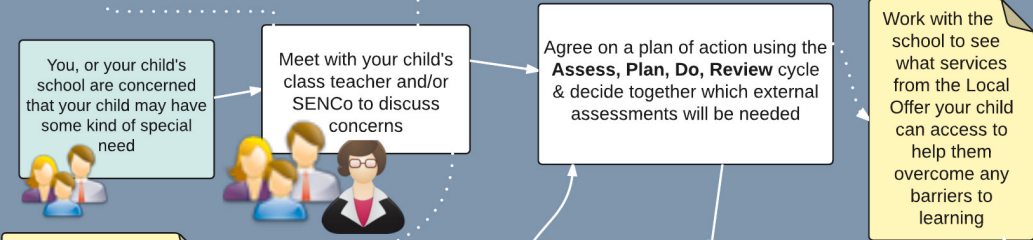
(SNJ advice: It is not advisable to go to appeal without seeking specialist legal advice and/or advocacy support such as above)

Full details can be found in Chapter 11 of the SEND Code of Practice

Before you meet:
Write down your concerns and points to raise. Consider taking a friend or partner to make notes so you can concentrate on the conversation.

If you disagree at any point, you can ask to involve the Disagreement Resolution service or speak to the Information, Advice & Support Services Network www.iassnetwork.org.uk

If your child's needs are clearly severe, an EHCP assessment may be requested without the SEN Support stage (or conducted before school age)



If your child has a medical condition, ask to see your school's policy that complies with the Government's Statutory Guidance **Supporting pupils at school with medical conditions**. Ask how these guidelines can be used to support your child, if necessary.

If progress is made, continue the cycle of Assess, Plan, Do, Review. However, at any point, if you feel the interventions are not working, you can choose to apply for a statutory assessment for an Education, Health and Care Plan

Make sure you meet the expert after they have carried out any external assessment on your child, so you can give them any additional information. You know your child better than anyone and your input is vital

When the report(s) have been received ask to meet with the class teacher and SENCo again to revise any interventions in the light of the report recommendations. Agree a date for initial review

There may come a point at which you agree your child has made sufficient progress and no further support is required. However, you can ask for SEN help again at any point if you think it is needed.

On the review date, discuss with the teacher/SENCo how the interventions are working, any changes that need to be made and a further review date

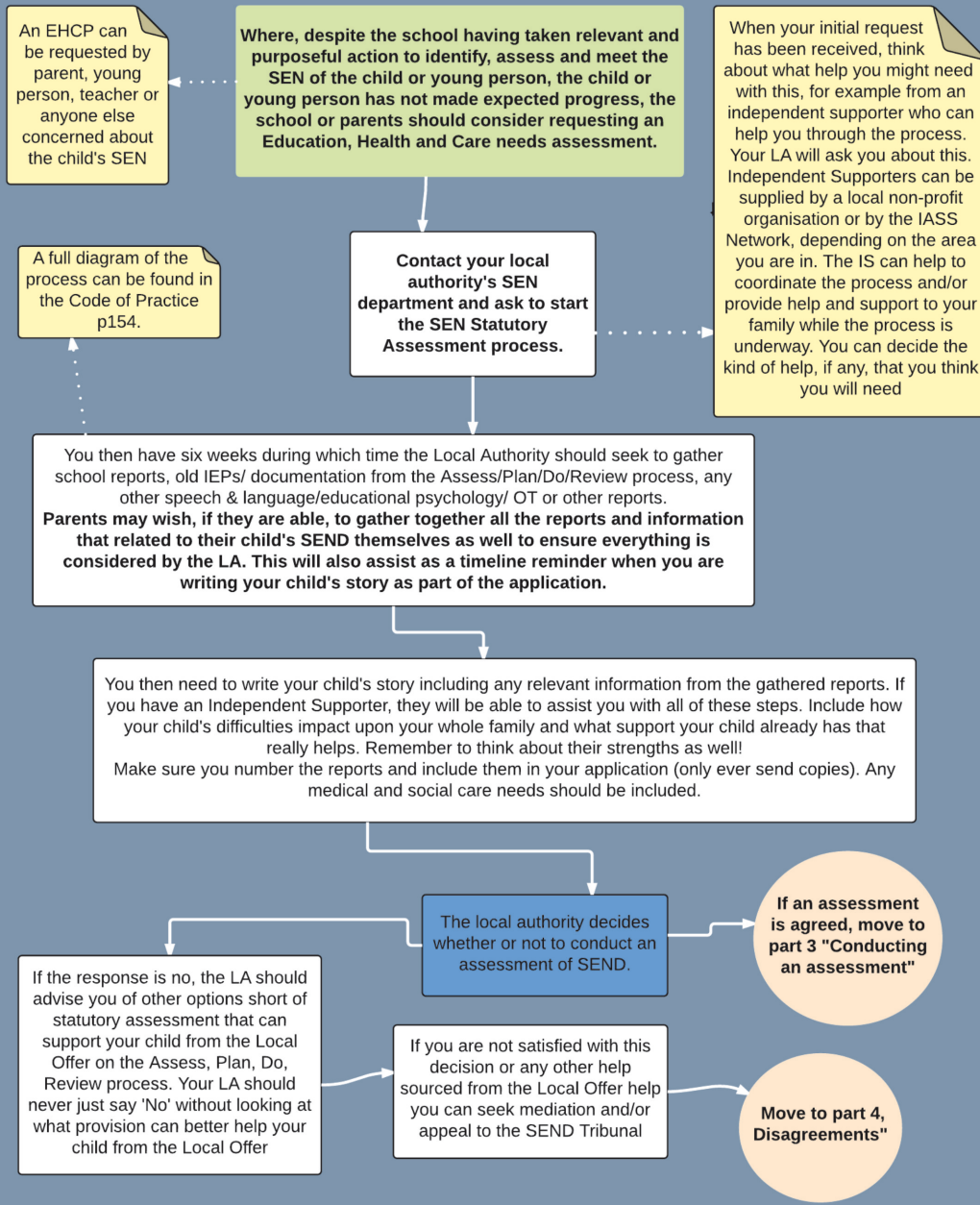
An EHCP can be requested by parent, young person, teacher or anyone else concerned about the child's SEN

Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment.

When your application has been received, you will be asked if you think you might need assistance from an Independent Supporter to help you through the process. They are not connected to the local authority and can be supplied by a local non-profit organisation or by the local Information, Advice & Support Service (formerly Parent Partnership), depending on the area you are in. The IS will help to coordinate the process and provide help and support to your family during this time.

Next: Apply for an EHCP Assessment

Requesting an Education, Health and Care (EHC) Needs Assessment



Conducting an Education, Health and Care (EHC) Needs Assessment

